

From: The Amazing Llama
To: Microsoft ATR
Date: 12/8/02 2:37am
Subject: Microsoft Settlement.

To whom it may concern,

It is my belief, as a computer hobbyist and programmer and as a citizen of California, that the Microsoft AntiTrust case will not do anything to:

- a) remedy the situation that Microsoft has put the computer industry into
- b) punish Microsoft for its illegal actions, of which it has been convicted.

The proposal does not even attempt to do either of these things. Instead, it scolds the company for its bad deeds and politely asks them not to do it again. If it does not comply with this, it will be asked again to stop.

I am left to wonder if this would ever stop anyone from doing anything that they wanted to be doing-- and Microsoft has proved again and again that what it wants to do is control the computer industry by any means necessary. The proposal needs to make Microsoft pay for their actions, and they need to be punished for the results.

If Microsoft were a person (which is what a corporation models), they would be fined and jailed for these actions. This sort of idea, extended to a corporate level, would therefore make simple sense. Fine the company (and base the fine on the amount of money they make, and remember that that is a whole lot of money). Then put restrictions on them so that they cannot repeat their actions. If they do repeat their actions, **BREAK UP THE COMPANY**. Or at the very least force them to open source Windows. These are the only two-- let me repeat that-- the **ONLY** two threats that Microsoft is afraid of. There is no fine that they will not recoup, no apology they cannot falsify, no time limit they will not lay low for. They will, as they have shown time and time again, revert to business as usual: bully everyone else with the power that you hold by owning Office and Windows.

Remember that this case came to court largely because Microsoft flaunted the 1995 court decision that essentially did what the new proposal will do again: shake a stern finger at them, give them a tongue-lashing, and send them on the way after they have promised not to do it again. Remember that Microsoft made that promise six years ago, and making it again now will be no more binding, and Microsoft will pay even less attention to it, because they have more power and more markets than they did then.

The fact you would give them as much power as you have in the proposal stages is evidence of their power: the only way that Microsoft could get a more comfortable punishment would be if they were forced to give their excess software away into a market that they did not control, such as education (which you probably know is their proposed solution to their current antitrust case with the private companies suing them).

This is evidenced by the utter uselessness of the proposal, and by the amount of control Microsoft has of the execution of the "punishments" laid out within it. For instance, that they can decide what parties to give out documentation and help to is merely giving them another weapon, and making that weapon sacrosanct in the process, because it is not a "weapon" that they are using to their advantage but a "punishment" that they must follow. Also, the fact that they are given a say at all in the council of three that oversees them is imbecilic. A man put in jail does not get to choose his jailmates or his prison guards, and Microsoft should not either.

Incidentally, Steve Satchell would be a great choice for the committee. He has a good amount of experience in consumer software, hardware, and OS design. He is further elevated by his lack of ties to other companies in the industry who would possibly gain by his actions. Perhaps what angers me most about the current proposal is that it is being done "to help the computer industry in these times of economic turmoil," which can be translated from PR-speech to English as "to make people buy Windows XP, which will make them buy lots of new computers, which will boost the computer industry." This is a short-sighted remedy to a deep-seated problem. People buying computers now will keep everyone in the industry afloat, but it will be best for Microsoft, who makes money off of each computer sold. Worse, the short-sighted remedy only buries the problem deeper: it strengthens every company's dependence on Microsoft, both in fact and in mindset. Essentially, you are sending the message that without Microsoft, the economy is doomed. And that is to say that without someone flagrantly breaking the law, the economy cannot survive. And that is not a message that you should be sending.

Microsoft has broken the law. Remember that. This is a fact that has been proven in court twice, and the supreme court decided that it was not worth their time to hear the arguments, because there is little chance that the 12 highest judges in our great country would find the facts any less factual: real companies have really been hurt by Microsoft, and they have lost real profits.

-Seth A. Roby <sroby at westmont dot edu>